

## CHAPTER 25 SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

## Secs.

2500	General Provisions
2501	Selecting Specifications or Descriptions for Use
2502	Brand Name or Equal
2503	Specifications and Standards
2504	Deviations from Specifications and Standards
2505	Identification and Availability of Specifications
2506	Used or Reconditioned Material, Surplus Property, and Residual Inventory
2599	Definitions

### 2500 GENERAL PROVISIONS

- 2500.1 The District shall specify procurement needs in a manner designed to promote competition to the maximum extent possible.
- 2500.2 The District shall develop specifications and purchase descriptions using market research in a manner designed to promote competition to the maximum extent possible, with due regard to the nature of the supplies or services to be procured.
- 2500.3 Solicitations shall contain specifications and purchase descriptions that include restrictive provisions or conditions only to the extent necessary to satisfy the minimum needs of the District, or as authorized or required by law.
- 2500.4 Plans, drawings, specifications, standards, or purchase descriptions for procurements shall state only the District's actual minimum needs and describe the supplies or services in a manner designed to promote competition to the maximum extent possible.
- 2500.5 Specifications and purchase descriptions shall reflect the minimum needs of the District and the market available to meet those needs. Specifications and purchase descriptions may be stated in terms of the following:
- (a) Function, so that a variety of products or services may qualify;
  - (b) Performance, including specifications of the range of acceptance characteristics or the minimum acceptable standards; or
  - (c) Design requirements.
- 2500.6 Responsibility for the preparation and issuance of standard specifications shall be in accordance with §401 of the Procurement Practices Act of 1985 (the "Act"), D.C. Code §1-1184.1.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is the District of Columbia Procurement Practices Act of 1985, D.C. Law 6-85, as amended, D.C. Code §1-1181.1 *et seq.* (1981).

**SOURCE:** Final Rulemaking published at 35 DCR 1572 (February 26, 1988).

**2501 SELECTING SPECIFICATIONS OR DESCRIPTIONS FOR USE**

- 2501.1 Items to be procured shall be described by citing the applicable specifications and standards or by a description containing the necessary requirements.
- 2501.2 The requesting agency shall review and select from available specifications, standards, and related documents those specifications and standards which have application to a particular procurement. The specification or standard shall be modified or tailored to state the District's minimum requirement.
- 2501.3 When authorized in accordance with this chapter, or when no applicable specification exists, the requesting agency may use a purchase description.
- 2501.4 Each purchase description shall set forth the essential physical and functional characteristics of the materials or services required.
- 2501.5 Each purchase description shall include the following characteristics, when applicable:
- (a) Common nomenclature;
  - (b) Kind of material, such as type, grade, or alternatives;
  - (c) Electrical data, if any;
  - (d) Dimensions, size, or capacity;
  - (e) Principles of operation;
  - (f) Restrictive environmental conditions;
  - (g) Intended use, such as location within an assembly and essential operating condition;
  - (h) Equipment with which the item is to be used; and
  - (i) Other pertinent information that further describes the item, materials, or service required.
- 2501.6 A purchase description shall not be written to specify a product, or a particular feature of a product, that is peculiar to a single manufacturer (thereby precluding consideration of a product manufactured by another company) unless it is determined that the particular feature is essential to the District's requirements, and that other sources' similar products lacking that particular feature would not meet the minimum requirements for the items.
- 2501.7 Purchase descriptions of services shall outline the specific services the contractor is expected to perform to the greatest degree practicable.



- 2501.8 When applicable, the requesting agency shall include in the purchase description requirements for adequate packaging and marking of supplies to prevent deterioration and damage during shipping, handling, and storage.

**SOURCE:** Final Rulemaking published at 35 DCR 1573 (February 26, 1988).

**2502 BRAND NAME OR EQUAL**

- 2502.1 The minimum acceptable purchase description shall be the identification of a requirement by use of a brand name followed by the words "or equal." This purchase description shall be used only when adequate specifications or a more detailed purchase description cannot be made available.

- 2502.2 When using a brand name or equal purchase description, the requesting agency shall also provide a list of salient characteristics, or the minimum acceptable features.

**SOURCE:** Final Rulemaking published at 35 DCR 1574 (February 26, 1988).

**2503 SPECIFICATIONS AND STANDARDS**

- 2503.1 Requesting agencies and contracting officers shall use the specifications and standards prepared and issued by the Director for supplies and services required by the District, unless otherwise authorized by law or approved in accordance with this chapter.

- 2503.2 Specifications and standards issued by the Director shall be used by all agencies when procuring supplies and services covered by those specifications and standards except as follows:

- (a) When the service or work to be performed or the item to be furnished is procured under emergency circumstances, as defined in the Act and chapter 17 of this title, and the use of standard specifications would cause unacceptable delay in obtaining the requirement;
- (b) When items are procured using small purchase methods;
- (c) When nationally recognized industry or technical source specifications and standards are used to procure construction or new installations of equipment; and
- (d) When the requesting agency can state its needs in a purchase description for a commercial product.

- 2503.3 An agency may procure commercial products whenever those products adequately satisfy the District's needs and a description of the District's need is stated in functional terms of sufficient detail.

**SOURCE:** Final Rulemaking published at 35 DCR 1574 (February 26, 1988).

**2504 DEVIATIONS FROM SPECIFICATIONS AND STANDARDS**

- 2504.1 When the exceptions set forth in §2503 are not applicable, and an existing specification does not meet an agency's minimum needs, the agency head may authorize deviations in accordance with this section.

- 2504.2 Each contracting officer shall be responsible for ensuring the following:
- (a) That District specifications are normally used, and requirements for exceptions and deviations are complied with;
  - (b) That written justifications for each exception and deviation are subject to prior review and approval by the agency head, and that each justification can be fully substantiated if post audit is required;
  - (c) That major or repeated deviations are not taken except as prescribed in this chapter; and
  - (d) That notification of each deviation or recommendation for change in specification is sent promptly in duplicate to the Director.
- 2504.3 Deviations reported by the contracting officer in accordance with §2504.2(d) shall not be continued except as authorized by the Director in accordance with this section.
- 2504.4 When an agency submits notification to the Director of major or repeated deviations that have been taken but makes no recommendation for change in the specification, the Director shall notify the agency whether those deviations may be continued in subsequent contracting.
- 2504.5 In cases where continued deviations are not approved by the Director, and the contracting agency has progressed to a point where it would be impracticable to amend or cancel the procurement, the procurement may be completed, but the deviation shall not be continued by the agency in subsequent procurements.
- 2504.6 When an agency has recommended changing the specifications consistent with the deviations it has taken and reported, those deviations may be continued until the recommended change is incorporated in the specifications or the agency is notified otherwise in accordance with §2504.7.
- 2504.7 When coordination with other agencies and industry does not result in acceptance of the change, the deviations shall not be continued by the agency in subsequent contracts after notification by the Director that the request for change of specifications has been denied.

**SOURCE:** Final Rulemaking published at 35 DCR 1575 (February 26, 1988).

## **2505 IDENTIFICATION AND AVAILABILITY OF SPECIFICATIONS**

- 2505.1 Solicitations citing specifications set forth in the list of specifications and standards issued by the Director shall identify each specification's approval date and dates of any applicable amendments and revisions.
- 2505.2 In solicitations citing specifications and standards on the list issued by the Director, the contracting officer shall not be required to furnish cited specifications or standards except in the following circumstances:
- (a) When the product being procured will be so complex that the specifications must be furnished with the solicitation to enable prospective contractors to make a competent initial evaluation of the solicitation;



- (b) When, in the judgment of the contracting officer, it would be impractical for prospective contractors to obtain the specifications in sufficient time to respond to the solicitation; or
- (c) When a prospective contractor who has not previously bid on the product requests a copy of the specifications.

2505.3 A solicitation shall not contain general identification references, such as "the issue in effect on the date of the solicitation."

2505.4 When a specification refers to other specifications, the reference shall meet all the following requirements:

- (a) The reference shall be restricted to documents, or appropriate portions of documents, that apply in the procurement;
- (b) The reference shall cite the extent of their applicability; and
- (c) The reference shall not conflict with other specifications and provisions of the solicitations.

SOURCE: Final Rulemaking published at 35 DCR 1576 (February 26, 1988).

**2506 USED OR RECONDITIONED MATERIAL, SURPLUS PROPERTY, AND RESIDUAL INVENTORY**

2506.1 The contracting officer may procure used or reconditioned material, former government surplus property, or residual inventory conforming to the requirements of a solicitation if the contracting officer determines that it is in the best interests of the District.

2506.2 When the contracting officer determines that procurement of used or reconditioned material, former government surplus property, or residual inventory is acceptable, the solicitation shall clearly identify which supplies or components do not have to be new and the necessary requirements for acceptability.

2506.3 The contracting officer shall consider the following when determining whether used or reconditioned materials, former government surplus property, or residual inventory are acceptable:

- (a) The safety of persons or property;
- (b) The total cost to the District, including maintenance, inspection, testing, and useful life;
- (c) Performance requirements; and
- (d) The availability and cost of new materials and components.

2506.4 When procuring former government surplus property, the contracting officer shall ensure that the prices paid for the items are reasonable considering the overall cost to the District, as determined under §2506.3(b).

- 2506.5 When a contract calls for material to be furnished at cost, the allowable charge for former government surplus property shall not exceed the cost at which the contractor acquired the property.

**SOURCE:** Final Rulemaking published at 35 DCR 1577 (February 26, 1988).

## 2599 DEFINITIONS

- 2599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Brand name description** - a purchase description that identifies a product by its brand name and model, part number, or other appropriate nomenclature by which the product is offered for sale.

**Commercial product** - a product, such as an item, material, component, subsystem, or system, sold or traded to the general public in the course of normal business operations at prices based on established catalog or market prices.

**Market research** - the process used for collecting and analyzing information about the entire available market that will satisfy the minimum agency needs to arrive at the most suitable approach for acquiring, distributing, and supporting supplies and services.

**Purchase description** - a description of the essential physical characteristics and functions required to meet the District's minimum needs.

**Specification** - a description of the technical requirements for a material, product, or service that includes the criteria for determining whether these requirements are met.

**Standard** - a document that establishes engineering and technical limitations and applications of items, materials, processes, methods, designs, and engineering practices. It includes any related criteria deemed essential to achieve the highest practical degree of uniformity in materials or products, or interchangeability of parts. Standards may be used in specifications, invitations for bids, requests for proposals, and contracts.

**SOURCE:** Final Rulemaking published at 35 DCR 1577 (February 26, 1988).